

Sept. 16, 2019

Dear Superintendents and District Assessment Coordinators:

During the most recent legislative session, the Kentucky General Assembly passed [Senate Bill \(SB\) 175](#) (2019) to further refine Kentucky's implementation of the federal Every Students Succeeds Act (ESSA), particularly as it relates to the development of standards and assessments, postsecondary readiness, and the identification of schools for targeted support and improvement (TSI).

The changes SB 175 made to TSI identification were subsequently submitted for approval to the United States Department of Education (ED) as part of Kentucky's Consolidated State Plan (State Plan). Feedback from ED revealed that the State Plan would not receive federal approval if TSI identification continued to follow the guidelines established in SB 175 (2019). Specifically, Section 1111 of ESSA requires the Kentucky Department of Education (KDE) to "notify each local educational agency in the state of any school served by the local educational agency in which any subgroup of students is consistently underperforming." As written, SB 175 has the potential to exclude 90% of schools with an underperforming student group from being identified for TSI, which ED determined did not align with ESSA and, thus, precluded approval of Kentucky's State Plan. While ESSA grants KDE some discretion in defining TSI, ED determined the definition for TSI established in SB 175 (2019) exceeded the limits of this flexibility.

Failing to have an approved State Plan puts federal funding Kentucky school districts receive under ESSA in jeopardy, which is a cost far too high for KDE to risk. Accordingly, negotiating ED approval of a State Plan was paramount to the department. On Friday, September 13, 2019, KDE received notice that Kentucky's State Plan had been approved by ED.

To gain approval from ED, the department revised the State Plan in a way that will delay identification of schools for TSI until the fall of 2020. This allows time for the department to work with the Kentucky General Assembly to address the identification of TSI schools in Kentucky in a way that still significantly reduces the number of schools that meet the federal classification but, most importantly, aligns with federal law and ensures Kentucky continues to be eligible to receive much needed funding under ESSA.

As you know, 418 schools received the TSI label in the fall of 2018. This identification occurred pursuant to ESSA and KRS 160.346, before it was amended by SB 175, and aligned with terminology previously

used in state law. In addition to amending the definition of TSI, SB 175 also introduced new terminology that better aligns with ESSA: Additional Targeted Support and Improvement (ATSI). Prior to the 2019 legislative session, ATSI was not used in state law, which instead offered two different tiers of the TSI label.

In actuality, all 418 schools the department identified TSI in the fall of 2018 met the requirements and expectations under ESSA for ATSI and were reported to ED as ATSI schools classified pursuant to Section 1111(d)(2)(C)-(D) of ESSA. Beginning with reporting this fall, the department will adopt this terminology in the School Report Card, and schools that were identified for TSI in the fall of 2018 and fail to meet exit criteria outlined in [703 KAR 5:280](#) will be reclassified as ATSI. As you will soon see, a very small number of schools failed to meet the exit criteria for ATSI, and will thus continue to be designated as ATSI schools. Use of the terminology ATSI is a technical change to align with federal and state law and is not, nor should it be construed as, a substantive change to a school's designation.

I understand that there is much more to discuss on this important topic, and I will be holding a webinar for Superintendents to elaborate further on this matter on Tuesday, September 17th at 3:30 p.m. I look forward to speaking with you and answering any questions that you may have at that time.

Sincerely,



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